IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5719 OF 2005

The State of Maharashtra .. Applicant.
Vs.
Bhupal Ganpatrao Desai .. Respondent.

Mr.A.S.Shitole A.P.P. for the State.
Mr.A.S.Prabhu i/b Mr.N.V.Bandiwadekar for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 30TH JUNE, 2006

P.C.:

. Heard learned A.P.P. for the State and learned counsel for the respondent.

2. This is an application under section 378(3) of the Code of Criminal Procedure seeking leave to appeal against the order of acquittal of the accused, who was charged for the offence punishable under sections 408, 409, 477-A and 420 of I.P.C. The respondent-accused was tried on the allegations that between 31.12.1981 and 31.12.1982 while he was working in the office of Ajara Taluka Madyamaik Shala Sevak Sahakari Path Savanstha, Ajara he misappropriated cash of Rs.2,959.70 which was entrusted with him and thereby committed offence under section 408 of the I.P.C. The allegations are also under sections 477-A and 420 of I.P.C. I perused the judgment with the assitance of

the learned A.P.P. The learned Judge on appreciation of the evidence on record held that the prosecution has failed to prove beyond reasonable doubt the charges against the accused. Considering the reasons recorded by the trial Court on appreciation of evidence on record the impugned judgment cannot be said to be perverse and unreasonable. The view taken by the trial Court, in my opinion, is reasonably possible view. Merely because the other view, as contended by learned A.P.P., is possible on the basis of evidence on record that by itself cannot be a ground to interfere with the order of acquittal. In the circumstances this appeal seeking leave to appeal is dismissed.

(D.B.Bhosale, J.)